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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,254	03/13/2001	Hershel Alan Kleinberg		9119

7590 04/25/2005
Hershel A. Kleinberg
5240 Brawner Place
Alexandria, VA 22304

EXAMINER

GEDRICH, SARAH R

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,254

Applicant(s)

KLEINBERG, HERSHEL ALAN

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-29 is/are pending in the application.
- 4a) Of the above claim(s) 27-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/13/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claims 1-12 have been canceled.

Claims 21-29 have been added.

Claims 27-29 have been withdrawn

Claims 13-29 are pending in the instant application.

Election/Restrictions

Newly submitted claims 27-29 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claims 27-29 and claims 13-26 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, claims 27-29 has separate utility such as a computer implemented method for on-line distribution of travel insurance services. See MPEP § 806.05(d).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 27-29 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 13-14, 16-17 and 19-26 are rejected under 35 U.S.C. 102(a) based upon a public use or sale of the invention (Channelpoint).

The following periodicals are used to demonstrate the public use or sale of the invention prior to the priority date of the instant application:

Web insurance market, Clinton Wilder, InformationWeek, Manhasset, April 5, 1999, Issue 728 (PTO-892, Ref U).

ChannelPoint Signs Strategic E-commerce Agreement With Blue Cross & Blue Shield Association, Business Editors, Health/Medical Writers, Business Wire, New York, Jan. 10, 2000 (PTO-892, Ref V).

AlphaBlox brings BI to online trading platforms, Michael Lattig, InfoWorld, San Mateo, March 6, 2000, Vol. 22, Issue 10 (PTO-892, Ref W).

Referring to claim 13. Channelpoint discloses a computer implemented method for on-line distribution of insurance services information from a transactional web page

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operably connected to one or more referring web pages, each of said referring web pages being associated with at least one affiliate, comprising the steps of:

- Receiving a user query communicated from a referring web page to said transactional web page (Ref U, page 1);
- Receiving information identifying an affiliate associated with said referring web page at said transactional web page (Ref U, page 1);
- Recording information about said user query, including association of said query with said associated affiliate (Ref U, page 1); and
- Responding to said user query (Ref U, page 1).

Channelpoint claims to be the first aimed at facilitating the broker's job. Brokers can create their own Web "storefronts" (referring web page) and Commerce Broker (transactional web page) will handle the back-end processing. The broker will still get the credit and commission (identifying an affiliate associated with said referring web page). The commerce broker will not be known by the consumer (Ref U, page 1).

Referring to claim 14. Channelpoint further discloses a method wherein said step of receiving a user query uses a hyperlink (Ref W, page 1).

Channelpoint provides the e-commerce infrastructure for insurance-related online trading networks that link a variety of entities via numerous mechanisms, such as

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private online storefronts that link insurance carriers with distributors, or portals that connect distributors with customers (Ref W, page 1).

Referring to claim 16. Channelpoint further discloses a method wherein said step of responding to said query comprises the sub-steps of:

- Identifying insurance services said user is permitted to purchase (Ref V, page 2: “managing the business rules associated with selling those products”);
- Identifying insurance services said affiliate associated with said referring web page is permitted to offer (Ref V, page 2: “managing the business rules associated with selling those products”); and
- Providing information about insurance services said user is permitted to purchase and said affiliate associated with said referring web page is permitted to offer (Ref V, page 2: “managing the business rules associated with selling those products”).

Referring to claim 17. Channelpoint further discloses a method wherein said step of providing information about insurance services said user is permitted to purchase and said affiliate associated with said referring web page is permitted to offer comprises displaying information about said insurance services on said transactional web page (Ref V, “Abstract”).

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Referring to claim 19. Channelpoint further discloses a method for on-line distribution of insurance services information comprising the step of registering said user with information identifying an affiliate associated with said referring web page (Ref V, "Abstract")

Referring to claims 20-26. Claims 20-26 are rejected under the same rationale as set forth above in claims 13-14 and 16-17.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Channelpoint in view of Wizig (U.S. Patent No. 6,735,569).

Referring to claim 15. Channelpoint discloses a method according to claim 13 as indicated supra. Channelpoint does not expressly disclose a method wherein said step of receiving information identifying an affiliate associated with said referring web page at said transactional web page uses a cookie. Wizig discloses a method wherein said step of receiving information identifying an affiliate associated with said referring web page at said transactional web page uses a cookie. (Wizig: column 10, line 66 to column 11, line 13). It would have been obvious to one of ordinary skill in the art to have provided the method and system of Channelpoint to have incorporated a method and system of the type demonstrated by Wizig in order to use information about a customer in order to streamline the registration process (Wizig: column 10, lines 37-49).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Channelpoint in view of Muir (U.S. Patent No. 6,661,882).

Referring to claim 18. Channelpoint discloses a method according to claim 16 as indicated supra. Channelpoint does not expressly disclose a method wherein said step

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of providing information about insurance services said user is permitted to purchase and said affiliate associated with said referring web page is permitted to offer comprises communicating said information about said insurance services to a call center for telephonic communication to said user. Muir discloses a method wherein said step of providing information about insurance services said user is permitted to purchase and said affiliate associated with said referring web page is permitted to offer comprises communicating said information about said insurance services to a call center for telephonic communication to said user (Muir: column 23, lines 1-5). It would have been obvious to one of ordinary skill in the art to have provided the method and system of Channelpoint to have incorporated a method and system of the type demonstrated by Muir in order to use information about a customer in order to better service them (Muir: column 2, lines 30-34).

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Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S Gatt whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG
Patent Examiner
March 17, 2005


Primary Examiner

(0)571-272-6760